

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CHEETAH OMNI LLC,

Plaintiff,

vs.

ALCATEL-LUCENT USA INC., et al.,

Defendants.

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CASE NO. 6:11-CV-390

ORDER REGARDING LETTER BRIEFS

Before the Court are various letter briefs requesting leave to file the respective motions.

The Court rules as follows:

- The Court **GRANTS IN PART** and **DENIES IN PART** Plaintiff's letter brief requesting leave to file a motion to strike testimony of Defendants' expert regarding written description and enablement invalidity defenses (Docket No. 272). Plaintiff is **GRANTED** leave to file a motion to strike expert testimony as to written description. However, Plaintiff is **DENIED** leave to file a motion to strike expert testimony concerning enablement.
- The Court **GRANTS** Defendants' letter brief requesting leave to file a motion to strike supplemental reports of Mr. Nawrocki (Docket No. 273).
- The Court **GRANTS IN PART** and **DENIES IN PART** Defendants' letter brief requesting leave to file a motion for summary judgment of noninfringement (Docket No. 274). Defendants are **GRANTED** leave to file a motion for summary judgment of noninfringement that argues the accused products do not satisfy the limitation "an optical

signal separator operable to receive the optical signal communicated by the light pipe.”

However, the Court **DENIES** Defendants’ request to file a motion for summary judgment regarding the optical signal limitation.

- The Court **GRANTS** leave for Plaintiff and Defendants to file cross-motions for summary judgment as to the written description and enablement defenses as requested in Defendants’ letter brief (Docket No. 275) and Plaintiff’s letter brief (Docket No. 278).
- The Court **GRANTS** Defendants’ letter brief requesting leave to file a motion for summary judgment of noninfringement (Docket No. 276).
- The Court **DENIES** Defendants’ letter brief requesting leave to file a motion to strike testimony of Plaintiff’s experts regarding their doctrine of equivalents analysis (Docket No. 279).
- The Court **GRANTS** Defendants’ letter brief requesting leave to file a motion for summary judgment of noninfringement (Docket No. 280).
- The Court **GRANTS** Defendants’ letter brief requesting leave to file a motion for summary judgment of invalidity (Docket No. 281).

So ORDERED and SIGNED this 18th day of October, 2013.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE